

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-216587.2

DATE: December 4, 1984

MATTER OF: Am Tech Export Trading Co., Inc.--
Request for Reconsideration

DIGEST:

Prior decision in which GAO declined to consider complaint of unsuccessful applicant for cooperative agreements is affirmed where applicant has not shown that grantor agency improperly used cooperative agreements instead of contracts to avoid the competitive requirements of procurement laws or that a conflict of interest exists.

Am Tech Export Trading Co., Inc. (Am Tech), requests reconsideration of our decision, Am Tech Export Trading Co., Inc., B-216587, Oct. 22, 1984, 84-2 C.P.D. ¶ , in which we dismissed Am Tech's complaint in connection with the award of cooperative agreements for minority export consulting services under project No. 06-1084001-01 issued by the Minority Business Development Agency (MBDA), Department of Commerce.

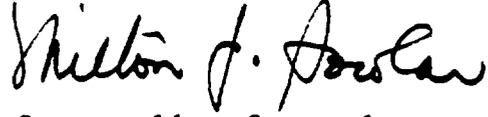
In that decision, we refused to consider Am Tech's contention that MBDA violated laws governing competitive procurements by not awarding the cooperative agreements to Am Tech, the allegedly low bidder. We explained that we generally do not review complaints concerning the award of grants or cooperative agreements, except where there is some showing that the agency is using that type of assistance instrument instead of a contract to avoid the statutory and regulatory requirements for competition or that a conflict of interest exists. Innocept, Inc., B-208065, Sept. 13, 1983, 83-2 C.P.D. ¶ 317; Innocept, Inc.--Reconsideration, B-209781.2, Mar. 28, 1983, 83-1 C.P.D. ¶ 315; Del Manufacturing Company, B-200048, May 20, 1981, 81-1 C.P.D. ¶ 390. We limit our review thusly because the award of grants and cooperative agreements is not significantly controlled by statutes and regulations having the force and effect of law as in the award of procurement contracts, and our involvement therefore would result in interference with the administration by executive branch agencies of their financial assistance programs. Innocept, Inc., B-208065, supra. Am Tech had not alleged or shown that cooperative agreements

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were used instead of contracts to avoid the statutory and regulatory requirements for competition or that a conflict of interest exists.

On reconsideration, Am Tech essentially reiterates its initial argument that award should be made on the basis of price. Am Tech also believes that contracts should be used where, as here, consulting firms such as Am Tech compete for the federal grant funds. However, Am Tech has not shown by any supporting evidence that MBDA improperly used cooperative agreements to avoid the competitive requirements or procurement laws or that a conflict of interest exists.

Our prior decision is affirmed.

for 
Comptroller General
of the United States